(1) SINGLE BENCH C.D.100 (5)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO.1089 /2006

PETITIONER : Heeraman Singh Thakur S/o Late G.S. Thakur Aged about 60 years, R/o ESE Colony, Raipur, Tahsil and District Raipur, C.G.

VERSUS

RESPONDENTS

1. The Debt Recovery Tribunal Through The Registrar, Jabalpur, M.P.
2. Union Bank of India Branch at Jawahar Nagar, Raipur City, Tahsil and District Raipur (C.G.)
3. M/s. Mahavir Automations Ltd. 5-Netaji Stadium, Opp. Motibagh Raipur C.G. and administrative office at AR-02 R.D.A. Building, Gurunanak Complex, Sharda Chowk, Raipur (C.G.)
4. Shri Ravindra kumar Jain @ Ravindra Kumar Doshi, S/o Shri N.C. Jain, Managing Director, M/s. Mahavir Automations Ltd., R/o House No. D-303, Sector-5, Tagore Nagar, Raipur
5. Shri Dinesh Jain S/o Shri Deepchand Jain Director (Technical), M/s Mahavir Automations Ltd. , R/o Raipur Medical Stores, Sadar Bazar, Raipur (C.G.)
6. Smt. Kusum N. Doshi, W/o Shri N.C. Doshi R/o 293/6, Opp. Sant Gyaneshwar School, Shailendra nagar, Raipur
7. Smt. Kamla Bai Jain W/o Deep Chand Jain R/o Opp. Raipur Medical Store, Sadar Bazar, Raipur (C.G.)
8. The Amrapali Cooperative Society Ltd. Raipur, Through : The authorized officer Rajkumar Naidu, S/o Shri K.S. Naidu, R/o Civil Line Raipur (C.G.)
9. Naveen Kumar Doshi, S/o Shri Dalichand Doshi R/o State Bank Colony, Raipur (C.G.)

R.R. No. 1160/06 Presented on 23/3/06 dated S.C. Verma

उपायुक्त, एस आर कॉलेज बिलासपुर

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

59

आदेश पत्रक

मामला क्रमांक W.P.No. 1089/2006 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	06.03.2006 Shri S.C. Verma, counsel for the petitioner. Heard on admission. This petition is filed under Article 226/227 of the Constitution of India against the judgment dated 27.12.2001 (Annexure-P/7) passed in transfer application No. 268/98 by the D.R.T., Jabalpur and against the order dated 22.02.2006 (Annexure-P/6) passed in execution matter of the aforesaid case. Admittedly, the judgment dated 27.12.2001 is an appealable judgment and the appeal lies to the D.R.A.T., Allahabad. Learned counsel for the petitioner submits that an appeal has already been filed by the Bank. However the present petitioner has not filed any appeal. He also submits that by the order dated 22.2.2006, the objection raised by the petitioner in the execution proceeding has not been decided and the matter has been posted for arguments on 6.3.2006. The last part of the order would show that the petitioner or his counsel did not appear on 22.2.2006 and objection was kept in abeyance and it was directed that the auction/sale of subject properties, as scheduled on 23.2.2006, to continue, but confirmation of sale will be done only after adjudication of the instant objections including objection of the petitioner. So far as the judgment dated 27.12.2001 is concerned, it is appellable judgment. I am not inclined to interfere with judgment passed by the Tribunal. However, the petitioner is free to approach	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(60)

आदेश पत्रक

W.P.No. 1089/2006

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the appellate authority. So far as the order dated 22.2.2006 is concerned, nothing has been ordered against the petitioner. The matter has been posted for bi-party hearing which does not give rise to any cause of action to file writ petition under Article 226/227 of the Constitution of India. The petition has no merits and the same is dismissed summarily. Sd/- Sunil Kumar Sinha Judge	

[पीछे देखिये